

## CHAPTER 43

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**HEALTH CARE POLICY AND FINANCING**


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## SENATE BILL 22-052

BY SENATOR(S) Jaquez Lewis and Smallwood, Buckner, Donovan, Hansen, Holbert, Kolker, Moreno, Pettersen, Priola, Rankin, Story, Woodward;  
also REPRESENTATIVE(S) Mullica and Bradfield, Bernett, Bird, Esgar, Exum, Gray, Herod, Hooton, Jodeh, Lindsay, Lontine, McCluskie, McLachlan.

## AN ACT

**CONCERNING ALIGNING MEDICAL ASSISTANCE INCOME ELIGIBILITY REQUIREMENTS WITH FEDERAL LAW.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 25.5-4-402.4, **amend** (5)(b)(IV)(B) as follows:

**25.5-4-402.4. Hospitals - healthcare affordability and sustainability fee - legislative declaration - Colorado healthcare affordability and sustainability enterprise - federal waiver - fund created - rules - reports - repeal.** (5) **Healthcare affordability and sustainability fee cash fund.** (b) All money in the fund is subject to federal matching as authorized under federal law and, subject to annual appropriation by the general assembly, shall be expended by the enterprise for the following purposes:

(IV) Subject to available revenue from the healthcare affordability and sustainability fee and federal matching funds, to expand eligibility for public medical assistance by:

(B) Increasing the eligibility level for children and pregnant women under the children's basic health plan to up to two hundred ~~forty~~ **SIXTY** percent of the federal poverty line;

**SECTION 2.** In Colorado Revised Statutes, 25.5-5-101, **amend** (1) introductory portion and (1)(c) as follows:

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

**25.5-5-101. Mandatory provisions - eligible groups - rules.** (1) In order to participate in the medicaid program, the federal government requires the state to provide medical assistance to certain eligible groups. Pursuant to federal law and except as provided in subsection (2) of this section, any person who is eligible for medical assistance under the mandated groups specified in this section ~~shall~~ MUST receive both the mandatory services that are specified in sections 25.5-5-102 and 25.5-5-103 and the optional services that are specified in sections 25.5-5-202 and 25.5-5-203. Subject to the availability of federal financial participation, the following are the individuals or groups that are mandated under federal law to receive benefits under this ~~article~~ ARTICLE 5 and articles 4 and 6 of this ~~title~~ TITLE 25.5:

(c) Pregnant women whose family income does not exceed one hundred thirty-three percent of the federal poverty line, adjusted for family size, who meet the requirements pursuant to section 1902 (a)(10)(A) of the federal "Social Security Act". Once initial eligibility has been established, the pregnant woman is continuously eligible throughout the pregnancy and for the sixty days following the pregnancy, even if the woman's eligibility would otherwise terminate during such period due to an increase in income.

**SECTION 3.** In Colorado Revised Statutes, 25.5-5-201, **amend** (1) introductory portion and (1)(m.5) as follows:

**25.5-5-201. Optional provisions - optional groups - rules.** (1) The federal government allows the state to select optional groups to receive medical assistance. Pursuant to federal law, any person who is eligible for medical assistance under the optional groups specified in this section ~~shall~~ MUST receive both the mandatory services specified in sections 25.5-5-102 and 25.5-5-103 and the optional services specified in sections 25.5-5-202 and 25.5-5-203. Subject to the availability of federal financial aid funds, the following are the individuals or groups that Colorado has selected as optional groups to receive medical assistance pursuant to this ~~article~~ ARTICLE 5 and articles 4 and 6 of this title 25.5:

(m.5) Pregnant women, whose family income does not exceed one hundred ~~eighty-five~~ NINETY-FIVE percent of the federal poverty line, adjusted for family size;

**SECTION 4.** In Colorado Revised Statutes, 25.5-8-103, **amend** (4)(a)(I), (4)(a)(II), (4)(b)(I), and (4)(b)(II) as follows:

**25.5-8-103. Definitions - rules.** As used in this article 8, unless the context otherwise requires:

(4) "Eligible person" means:

(a) (I) A person who is less than nineteen years of age, whose family income does not exceed two hundred ~~fifty~~ SIXTY percent of the federal poverty line, adjusted for family size.

(II) Notwithstanding the provisions of subsection (4)(a)(I) of this section, if the money in the healthcare affordability and sustainability fee cash fund established pursuant to section 25.5-4-402.4 (5), together with the corresponding federal

matching funds, is insufficient to fully fund all of the purposes described in section 25.5-4-402.4 (5)(b), after receiving recommendations from the Colorado healthcare affordability and sustainability enterprise established pursuant to section 25.5-4-402.4 (3), for persons less than nineteen years of age, the state board may by rule adopted pursuant to the provisions of section 25.5-4-402.4 (6)(b)(III) reduce the percentage of the federal poverty line to below two hundred ~~forty~~ ~~SIXTY~~ percent, but the percentage shall not be reduced to below two hundred ~~five~~ THIRTEEN percent.

(b) (I) A pregnant woman whose family income does not exceed two hundred ~~forty~~ ~~SIXTY~~ percent of the federal poverty line, adjusted for family size, and who is not eligible for medicaid.

(II) Notwithstanding the provisions of subsection (4)(b)(I) of this section, if the money in the healthcare affordability and sustainability fee cash fund established pursuant to section 25.5-4-402.4 (5), together with the corresponding federal matching funds, is insufficient to fully fund all of the purposes described in section 25.5-4-402.4 (5)(b), after receiving recommendations from the Colorado healthcare affordability and sustainability enterprise established pursuant to section 25.5-4-402.4 (3), for pregnant women, the state board by rule adopted pursuant to the provisions of section 25.5-4-402.4 (6)(b)(III) may reduce the percentage of the federal poverty line to below two hundred ~~forty~~ ~~SIXTY~~ percent, but the percentage shall not be reduced to below two hundred ~~five~~ THIRTEEN percent.

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: March 24, 2022